

**Manual of Policies and Procedures**  
**COMMUNITY CARE LICENSING DIVISION**

**ADOPTION AGENCIES**

**Title 22**  
**Division 6**  
**Chapter 9**



**STATE OF CALIFORNIA**  
**Gray Davis, Governor**  
**HEALTH AND HUMAN SERVICES AGENCY**  
**Grantland Johnson, Secretary**  
**DEPARTMENT OF SOCIAL SERVICES**  
**Rita Saenz, Director**

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**April 2003**

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This Users' Manual is issued as an operational tool.

This Manual contains:

- a) Regulations adopted by the Department of Social Services (DSS) for the governance of its agents, licensees, and/or beneficiaries
- b) Regulations adopted by other State Departments affecting DSS programs
- c) Statutes from appropriate Codes which govern DSS programs
- d) Court decisions; and
- e) Operational standards by which DSS staff will evaluate performance within DSS programs.

Regulations of DSS are printed in gothic type as is this sentence.

Handbook material, which includes reprinted statutory material, other department's regulations and examples, is separated from the regulations by the phrases "**HANDBOOK BEGINS HERE**", "**HANDBOOK CONTINUES**", and "**HANDBOOK ENDS HERE**" in bold print. Please note that both other departments' regulations and statutes are mandatory, not optional.

In addition, please note that as a result of the changes to a new computer system revised language in this manual letter and subsequent community care licensing manual letters will now be identified by graphic screen.

Questions relative to this Users' Manual should be directed to your usual program policy office.

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**CHAPTER 9. ADOPTION AGENCIES****Article 1. LICENSE****89001 LICENSE REQUIRED****89001**

- (a) No individual, organization or county shall place persons for adoption without first obtaining a license from the Department.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1506, 1508, 1530 and 1531, Health and Safety Code.

**89002 NONDISCRIMINATION****89002**

- (a) Any adult shall be permitted to apply for a license regardless of age, sex, race, religion, color, political affiliation, national origin, disability, marital status, actual or perceived sexual orientation, or ancestry.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1508, 1530, and 1531, Health and Safety Code; and Section 51, Civil Code.

**89004 AGENCY ELIGIBILITY FOR LICENSURE****89004**

- (a) Each agency shall conform to all applicable rules and regulations of the Department and shall make provision for resources, either in the agency or in the community, for support of persons accepted for care; and for medical and psychiatric services for persons as needed. The agency shall coordinate its services with other community social services.

- (b) The following types of agencies shall be subject to licensure:

- (1) County Adoption Agency. A county adoption agency shall be designated by the county Board of Supervisors as the single public adoption agency in the county through which adoption services will be offered. When a county is planning to make application to provide adoption services, the county shall file with the Department a letter of intent or resolution signed by the chairman of the Board of Supervisors authorizing the chairman to sign the application and to enter into agreements with the Department.

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| <b>89004</b> | <b>AGENCY ELIGIBILITY FOR LICENSURE</b><br>(Continued) | <b>89004</b> |
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- (2) Private Adoption Agency. A private adoption agency shall be organized and operated on a nonprofit philanthropic basis.
- (c) An adoption agency shall be considered for licensure only if there are no other licensed adoption placement services available in the community or if the services provided by the other adoption agencies are not sufficient to serve the parents applying for service or the children who are in need of it. The agency shall make provision for resources in the community from which to obtain financial assistance, including medical and hospital expenses, for mothers who need it; support of children accepted for study or awaiting adoptive placement; and adequate number of foster homes for children under study or awaiting adoptive placement; and medical and psychiatric services for children as needed.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1506, 1508, 1530 and 1531, Health and Safety Code.

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| <b>89010</b> | <b>PLACEMENT OF PERSONS IN NONLICENSED FACILITIES<br/>BY A COUNTY AGENCY</b> | <b>89010</b> |
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Repealed by Manual Letter No. CCL-93-08, effective 10/30/93.

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| <b>89013</b> | <b>LICENSING PROCEDURE-APPLICATION FORMS</b> | <b>89013</b> |
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Application for a license as an adoption agency shall be filed in duplicate on forms prescribed by the Department.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

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| <b>89016</b> | <b>LICENSING PROCEDURE--LOCATION</b> | <b>89016</b> |
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Public and private adoption agencies shall apply to Department headquarters.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.



**89019 APPLICATION FOR LICENSURE****89019**

- (a) A new application from a public agency shall be signed by the chairman of the Board of Supervisors of the county, and a copy of the resolution of the Board authorizing the chairman to sign the application shall be attached. In authorizing the application, the Board shall show its intent to operate the adoption program in full conformity with the statutes and the Department regulations.
- (b) A new application from a private agency shall be signed by the presiding officer of the Board of Directors and the executive officer of the agency, if already appointed, or a second officer of the Board of Directors if the executive officer has not yet been appointed. A copy of the authorization by the Board to its representative to apply for such a license shall accompany the application.
- (c) An adoption agency application shall be in the legal name of the agency, stating the geographic area to be served and the adoption services for which the license is requested. A licensed county adoption agency may regularly serve children, parents and applicants in an unlicensed county subject to prior approval from the Department and a written agreement between the Boards of Supervisors of the counties concerned. A copy of such agreement shall be filed with the Department with the request for approval. However, the request for approval shall be unnecessary if adoption service provided in another county is performed only occasionally and infrequently.

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**89019 APPLICATION FOR LICENSURE**  
(Continued)**89019**

(d) Every new application for an adoption agency shall be accompanied by:

- (1) A written plan of operation, covering the following:
  - (A) Statement of program goals and description of services.
  - (B) Administrative organization--narrative and chart of total agency.
  - (C) Personnel--number, classification, qualifications and duties.
  - (D) Physical facilities and office arrangement--diagrams.
  - (E) Budget and financing, by item.
  - (F) Forms and clerical system--samples.
- (2) Statement of facts on which need for service was determined and plans for coordination with other community welfare services.
- (3) If a private agency, a copy of its constitution and bylaws and, if it is incorporated, a list of membership of the governing board and any advisory committee showing lengths of term and interest or qualifications on which selection was based and indicating which persons serve as officers and in which position, a copy of the Articles of Incorporation and bylaws, a copy of the proposed budget and plan for financing the agency.
- (4) For a private adoption agency, a statement as to how the agency will provide for:
  - (A) Assistance with maternity care for mothers not eligible for Medi-Cal benefits or other means for paying for medical care.
  - (B) Services and assistance to mothers not eligible for public services and funds.
  - (C) Coordination and utilization of public social services as required by policy and procedures of Department.

**89019 APPLICATION FOR LICENSURE**  
(Continued)**89019**

- (e) Denial of License. An applicant may contest the denial of a license by filing a written petition with the Department as provided in Section 1526 of the Health and Safety Code. The proceedings to review such denial shall be conducted pursuant to the provision of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code.
- (f) Amended License. Proposed major changes in program or organization shall be submitted to the Department for review and possible issuance of an amended license.
- | (g) Repealed by Manual Letter No. CCL-01-12, effective 6/29/01.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1506, 1508, 1530 and 1531, Health and Safety Code.

**89034 CRIMINAL RECORD CLEARANCE****89034**

- (a) Personnel of private adoption agencies shall submit fingerprints as required in Section 80019 of Chapter 1 of these regulations.
- (b) The regulations in Section 80019 of Chapter 1 of these regulations shall apply to personnel of private adoption agencies.
- (c) Personnel of public adoption agencies, members of the County Board of Supervisors and administrators of private adoption agencies shall be exempt from the provisions of Section 80019.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1506, 1508, 1522, 1530 and 1531, Health and Safety Code.

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| <b>89037</b> | <b>APPLICATION REVIEW</b> | <b>89037</b> |
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No license shall be issued to an adoption agency unless and until the Department or licensing agency has reviewed and evaluated the plan of operation to determine if there is compliance with the statutes and regulations and other standards of the Department.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

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| <b>89040</b> | <b>TERMS OF LICENSE</b> | <b>89040</b> |
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- (a) Adoption services which a licensee may render shall be limited to those specified on the license.
- (b) If the Department delegates responsibility to a public agency for an independent adoption program, it shall be so indicated on the license.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

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| <b>89043</b> | <b>TERMINATION</b> | <b>89043</b> |
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- (a) The license of an adoption agency may be terminated by the Department if the agency fails to meet the standards and regulations contained in this Chapter, or at the agency's request. Closing of an adoption agency shall be in conformity with established law and Department regulations.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1506, 1524, 1530 and 1531, Health and Safety Code.

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**Article 2. ADMINISTRATION****89101 ADMINISTRATIVE RESPONSIBILITY 89101**

| Legal responsibility for an adoption agency or service shall be clearly defined and administrative responsibility specifically placed in accordance with these regulations.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

**89104 COORDINATION WITH SOCIAL SERVICE PROGRAMS 89104**

| Repealed by Manual Letter No. CCL-93-08, effective 10/30/93.

**89107 INCORPORATION--PRIVATE ADOPTION AGENCIES 89107**

The Articles of Incorporation of a private agency stating the purpose of the agency in broad terms, shall be filed with the Secretary of State in Sacramento. Copies of the Articles of Incorporation and amendments made thereto shall be filed with the Department.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

**89110 CONSTITUTION AND BY- LAWS -- PRIVATE ADOPTION AGENCIES 89110**

(a) A private agency, whether or not incorporated, shall have a constitution and by-laws which makes provision for control by a responsible governing body.

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|  | <b>89110</b> | <b>CONSTITUTION AND BY- LAWS -- PRIVATE ADOPTION AGENCIES</b><br>(Continued) | <b>89110</b> |
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(b) The constitution and by-laws shall contain the following information:

- (1) The name of the organization.
- (2) The purpose of the organization.
- | (3) The relationship of the adoption service to the general membership, to the total function of the organization and to auxiliaries, if any.
- | (4) Location of the administrative authority for operation of the adoption program.
- (5) The powers and duties of the governing body.
- (6) The size, composition and method of selection of the Board and the terms of office established for its members.
- (7) The organization of the Board, including the officers, the method of their selection, their term of office and their duties.
- (8) The plan for regular meetings of the Board and the number of members necessary for a quorum.
- (9) The methods of financing the agency or service.
- (10) The methods by which changes can be made in constitution and by-laws.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.



**89113 BOARD MEMBERSHIP -- PRIVATE ADOPTION AGENCIES****89113**

- (a) Board members shall be selected on the basis of demonstrated interest in the welfare of children and adults, a concern for social conditions in the community and sufficient time to discharge their obligations as Board members. They shall also be persons representative of the community in which the agency operates. The Board shall include in its membership persons representing a variety of interests, talents and professions to insure different points of view. Membership shall be so arranged that no single interest group or profession shall have a controlling vote.
- (b) Board members shall serve without compensation but may be reimbursed for expenses. No Board member shall profit financially by reason of his membership nor be employed by the agency regularly either full-time or part-time.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

**89116 ELECTION OF BOARD MEMBERS -- PRIVATE ADOPTION AGENCIES****89116**

Members shall be elected by the supporting membership or by a representative body for a definite term of office, with expiration of terms so arranged that a rotating Board results. Provision shall be made for the replacement of members who become inactive for a protracted period of time.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

**89119 BOARD MEETINGS -- PRIVATE ADOPTION AGENCIES****89119**

- (a) Minutes shall be kept of Board meetings and shall be available to the licensing agency to inspect, audit, and copy upon demand during normal business hours. Minutes may be removed if necessary for copying. Removal of minutes shall be subject to the following requirements:
  - (1) Prior to removing any minutes, a licensing representative shall prepare a list of the minutes to be removed, sign and date the list upon removal of the minutes, and leave a copy of the list with the executive director or designee.
  - (2) Licensing representatives shall return the minutes undamaged and in good order within three business days following the date the minutes were removed.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, and 1531, Health and Safety Code.

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**89122 DUTIES AND FUNCTIONS OF THE BOARD-- PRIVATE ADOPTION AGENCIES 89122**

- (a) The Board shall formally adopt a written statement of the responsibilities to which the members agree. These shall include:
- (1) Accountability to the community for adequate services to the persons under care.
  - (2) Interpretation of services of the agency to the community, and needs of the community to the staff of the agency.
  - (3) Establishment of the policies to be followed by the agency.
  - (4) Exercises of trusteeship for property and investments.
  - (5) Approval of the budget and responsibility for obtaining and receiving adequate funds.
  - (6) Employment of a well-qualified executive director for that agency, and delegation to the executive director of responsibility for administration and employment of other staff members.
  - (7) Maintenance of an informed, alert and interested membership.
  - (8) Maintenance of a full membership.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

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**89125 COMMITTEES OF THE BOARD -- PRIVATE ADOPTION AGENCIES 89125**

Provision shall be made for the appointment of standing committees and such temporary or special committees as are needed.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

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| <b>89128</b> | <b>RELATIONSHIP BETWEEN BOARD AND EXECUTIVE -- PRIVATE ADOPTION AGENCIES</b> | <b>89128</b> |
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There shall be an appropriate division of responsibility between the Board and the executive director to provide efficient administration. The Board shall delegate to the executive director the responsibility for administration, but the Board shall determine the major policies and the general plan of operation based upon its knowledge of agency problems and community needs. The general policy of the Board shall be to include the executive director at all regular meetings.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

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| <b>89131</b> | <b>REPORTS AND RECORDS -- PUBLIC AND PRIVATE ADOPTION AGENCIES</b> | <b>89131</b> |
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- (a) Reports shall be submitted as required by the Department.
- (b) All adoption case records shall be confidential and maintained in the adoption agency's locked files.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

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| <b>89134</b> | <b>FINANCES-- PRIVATE ADOPTION AGENCIES</b> | <b>89134</b> |
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- (a) The agency shall be financially able to provide the services which it offers. If budget limitations exist, the scope and size of the agency's services shall be curtailed to a point that will permit available funds to maintain an adequate quantity of service.
- (b) The agency may solicit funds but this shall not be a condition of placement of a child for adoption.
- (c) Sufficient funds shall be available to provide continuing care for children relinquished to the adoption agency who may require prolonged study or treatment before placement, for children who may be returned to it prior to completion of the adoption, and for relinquished children who cannot be placed for adoption.

**89134 FINANCES -- PRIVATE ADOPTION AGENCIES**  
(Continued)**89134**

- (d) Policies and practices governing receipt and expenditures of money shall be in accord with sound budgeting, disbursement and audit control procedures.
- (e) Financial records shall be maintained of receipts, disbursements, assets and liabilities. Financial records shall be kept in accordance with accepted accounting practices.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

**89137 ADOPTION AGENCY FEES****89137**

- (a) Public Adoption Agency. A fee of \$500 shall be charged by a public adoption agency (see Section 225 of the Civil Code).

A county adoption agency or the Department may waive, defer or reduce the fee when its payment would cause economic hardship to the adopting parents, would be detrimental to the adopted child, or if necessary to obtain the placement of a hard-to-place child. If the fee is waived, reduced or deferred, the case record shall reflect the basis upon which the decision is made.

- (b) Private Adoptive Agency. No private adoption agency shall charge or collect any fee for its services unless and until it has submitted to and obtained the approval of the Department with respect to both the maximum fee that may be charged and the agency's fee payment plan.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 225p, Civil Code; Sections 1501, 1506, 1530 and 1531, Health and Safety Code.

**89140 GENERAL PERSONNEL REQUIREMENTS****89140**

- | The number of staff shall be adequate for the scope of the adoption agency's services.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

**89143 PROFESSIONAL STAFF QUALIFICATIONS****89143**

Staff members shall be qualified for their responsibilities by education, training, experience, personality and health.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

**89146 EXECUTIVE DIRECTOR QUALIFICATIONS -- PRIVATE ADOPTION AGENCIES****89146**

- (a) The executive director shall have professional training in the field of child or family welfare, or have demonstrated ability and leadership through experience as an executive in the field of child or family welfare.
- (b) When the function of the agency requires it, the executive director shall be qualified for the additional duties he may have to assume, such as supervision of casework services.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

**89149 EXECUTIVE DIRECTOR RESPONSIBILITY AND DUTIES -- PRIVATE AND PUBLIC ADOPTION AGENCIES****89149**

- (a) Private and Public Agencies. The executive director shall be responsible for the operation of the agency and shall be held accountable for it. He may delegate his authority but not his responsibility.
- (b) Private Agencies. The duties of the executive director shall include:
  - (1) Appointing and dismissing staff, and working closely with the personnel committee of the Board.
  - (2) Attending all regular Board meetings and committee meetings of the Board, making reports concerning agency activities, and interpreting recognized standards of adoption services to the Board.

**89149 EXECUTIVE DIRECTOR RESPONSIBILITY AND DUTIES --  
PRIVATE AND PUBLIC ADOPTION AGENCIES (Continued)****89149**

- (3) Holding regular staff meetings to discuss plans and policies.
- (4) Organizing and carrying out a program of staff development for all staff members, and arranging for attendance of staff at social work conferences and other meetings which assist in professional growth and effectiveness.
- (5) Carrying out an adoptive program in conformity with recognized standards.
- (6) Providing leadership and stimulation in community planning for child and family welfare.
- (c) Public Agencies. The duties of the executive director shall include all responsibilities listed for the executive director of a private agency where applicable.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

**89152 SUPERVISORY PERSONNEL****89152**

- (a) Responsibility. Each supervisory employee in an adoption agency shall be responsible for the performance of assigned staff.
- (b) Qualification Requirements. Supervisory employees shall have the following qualifications.
  - (1) Public Agency. Supervisors shall be qualified for their responsibilities by education and experience, the minimum of which shall be either:
    - (A) Possession of a master's degree from an accredited graduate school of social work or completion of all work toward a degree except the thesis, and three years of full-time social work employment; or
    - (B) One year of experience as a Social Service Practitioner II or two years of experience as a Social Service Practitioner I, or their equivalent, in a California county welfare department.

**89152 SUPERVISORY PERSONNEL (Continued)****89152**

- (2) Private Agency. Supervisors shall be qualified for their responsibilities by education and experience, the minimum of which shall be possession of a master's degree from an accredited graduate school of social work or completion of all work toward the degree except the thesis, and either:

(A) Three years of full-time social work employment in the field of family or child welfare; or

(B) Two years of full-time social work employment in a licensed foster family agency or adoption agency.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

**89155 SOCIAL WORK PERSONNEL****89155**

- (a) Social workers shall be employed to provide the social services in the agency's adoption program.
- (b) Except as otherwise provided, the minimum educational requirement for social worker shall be a master's degree from an accredited graduate school of social work or completion of all work toward a degree except the thesis. There shall be no waiver of this requirement as a condition of initial licensure. Waivers of the graduate education may be authorized by the Department if the agency has demonstrated a substantial and consistent effort to recruit and retain an adequate number of social workers with graduate training, and a selective certification or hiring plan is in effect whereby social workers processing the qualifications shall be employed first.
- (c) Optional Requirements -- Public Agencies. Upon approval of waiver and except as provided in this section, the Department may authorize a public adoption agency to use one or more of the following optional qualification requirements in the order given.

**89155 SOCIAL WORK PERSONNEL (Continued)****89155**

- (1) Graduation from college, and either:
  - (A) One year of experience as a Social Service Worker II, or its equivalent, in a California county welfare department; or
  - (B) Two years of social work experience in a public welfare agency; one year of graduate education which was completed as part of the candidacy for a master's degree in social work may be substituted for one year of the required experience.
- (2) Graduation from college with a major in social welfare; or graduation from college with a major other than social welfare and either:
  - (A) One year of experience in a public or private agency performing duties comparable to a Social Service Worker I. One year of graduate study which was completed as part of the candidacy for a master's degree in social work may be substituted for the required experience; or
  - (B) One year of experience as a Social Service Worker I or its equivalent, in a California county welfare department. Completion of a Department approved in-service training course or completion of an undergraduate major in a field closely related to social welfare may be substituted for six months of the required experience.
- (d) Optional Requirements -- Private Agencies. Upon approval of waiver, and except as provided in this section, the Department may authorize a private adoption agency to use the optional requirement of graduation from college and two years of social work experience in a social service agency. One year of graduate education in social work, or completion of an undergraduate major in social welfare may be substituted for one year of the required experience. Completion of a Department approved in-service training course, or completion of an undergraduate major in a field closely related to social welfare may be substituted for six months of the required experience. In all cases, however, a minimum of one year of experience shall be required under these substitution patterns.
- (e) Additional Waiver Option for Both Public and Private Adoption Agencies. Graduation from college as the only requirement for social work personnel may be authorized if the agency has Department approved in-service training and staff development programs for staff recruited at this level.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.



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| <b>89158</b> | <b>NUMBER OF STAFF</b> | <b>89158</b> |
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| Professional and clerical staff shall be sufficient in number to perform the functions of the adoption agency.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

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| <b>89161</b> | <b>PERSONNEL POLICIES</b> | <b>89161</b> |
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| (a) In addition to the general requirements there shall be written personnel policies for adoption agencies which include, but are not limited to the following:

- (1) Employment and tenure of staff shall be based solely on competence.
- (2) Copies of all regulatory material needed in the performance of their functions shall be available.
- (3) Staff shall be appropriately used through the development of a staffing plan based on all classifications used and showing the functions of each classification. The plan shall show the way aides and volunteers are to be used and to whom they are responsible.
- (4) Personnel policies, salaries and working conditions shall be such as to attract and hold competent, well-qualified staff.
- (5) Regular in-service training shall be provided.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

**89164 OFFICE FACILITIES****89164**

- (a) The agency shall be housed in offices which are adequately equipped, which provide privacy for interviewing and which are conveniently located for the public. Requirements shall include the following:
- (1) A separate reception area and waiting area shall be provided when the operations are carried on in the same building with other welfare programs.
  - (2) Separate waiting rooms for adoptive parents and for natural parents shall be provided.
  - (3) A play and viewing room shall be provided when extensive child placing activities are conducted.
  - (4) Storage space shall be provided for equipment and furnishings needed to carry out the activities of an adoption unit.
  - (5) An exception to the above requirements for adoption services may be made by the Department for those licensed public adoption agencies which average less than ten relinquishments and ten placements per month, provided adequate provisions are made for assuring the privacy of the parties to the adoption and the confidentiality of the process.
  - (6) Adoption case records shall be maintained in locked files in the agency.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

**89167 HOMEFINDING AND PLACEMENT SERVICES****89167**

Repealed by Manual Letter No. CCL-93-08, effective 10/30/93.

**89170 INITIAL STUDY****89170**

- (a) The decision to accept a client for service shall be based upon:
- (1) Clearly defined but flexible agency policy; and
  - (2) A complete social study of the client's total situation to determine what will best serve his ultimate welfare.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

**| 89173 PLACEMENT AND SUPERVISION****89173**

- (a) The religious preference of applicants shall be respected insofar as possible in deciding among the available foster homes the home best suited to the individual. When an alternate home is used, steps shall be taken to ensure religious observance in accordance with the client's stated preference.
- (b) In a placement program for children, children of the same family shall be kept together whenever possible unless it has been determined that this is not beneficial.
- (c) The selection of a foster home or of a group home for a particular client shall be based upon consideration of the client's total health, educational, religious, recreational, social and emotional needs and how well the particular foster home or group home can meet the client's needs and potentialities. This shall include the ability of the foster home or group home to accept and respect individuals of any race, creed, color, religion or national ancestry.
- (d) Every effort shall be made to strengthen family relationships and to help parents make a responsible plan for the permanent care of their children, unless the child has been permanently removed from the custody of his parents, or the plan is placement in an adoptive home.
- (e) The agency shall make certain that adequate and appropriate clothing, recreational allowances and continuing medical and dental care are provided for each client in placement.

**89173 PLACEMENT AND SUPERVISION (Continued)****89173**

- (f) The agency shall maintain adequate supervision through sufficiently frequent visits to the client, the caretaker and the client's own family. The frequency of such visits shall be determined by the circumstances of each case and the discretion of the agency. If the worker carries other responsibilities such as recruitment or foster home finding, intake, work with clients with serious emotional disturbances, or work with clients in their own families, or if the geographical area to be covered is widespread, the caseload should be proportionately reduced.
- (g) Psychological study, direct treatment by a psychiatrist or psychiatric consultation to aid the caseworker in treatment shall be provided by the agency for those clients accepted for care who require such specialized professional services.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

**89176 TERMINATION OF FOSTER CARE****89176**

Repealed by Manual Letter No. CCL-93-08, effective 10/30/93.

**89179 CASE RECORDS -- GENERAL REQUIREMENTS****89179**

- (a) The adoption agency shall maintain adequate case records which include:
  - (1) Separate records for each client and for each placement facility studied and used by the agency.
  - (2) Current administrative records in such a form as to provide an index to all cases, including location of all clients under care and of all placement facilities in use.
- (b) Adoption case records shall be retained by the agency indefinitely. In the event of an agency terminating its adoption services, full case records on all completed adoptions, placements for adoption and children relinquished for adoption shall be forwarded to the Department for permanent filing and reference. Records and documents shall include those regarding the natural parents, the child and the adoptive parents. Such forwarding by the terminating agency shall be conducted in the manner prescribed by the Department.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

**89182      CONTENT OF CASE RECORD****89182**

- (a) Each adoption agency shall maintain a case record for each family unit or individual served in its program.
- (b) Each case record shall include:
  - (1) A face sheet or application form.
  - (2) A typewritten record of the study.
  - (3) Medical and other reports.
  - (4) Correspondence.
  - (5) Applicable legal documents.
  - (6) Verifications.
  - (7) Evaluation of findings.
  - (8) Decisions reached.
  - (9) Actions taken.
  - (10) Court Reports.
- (c) All information in case records shall be confidential. Adoption records shall be available only to authorized adoption agency personnel; and to the licensing agency as specified in Section 89182(d).
- (d) All case records shall be available to the licensing agency to inspect, audit, and copy upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:
  - (1) Prior to removing any case records, a licensing representative shall prepare a list of the case records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the executive director or designee.
  - (2) Licensing representatives shall return the case records undamaged and in good order within three business days following the date the case records were removed.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, and 1531, Health and Safety Code.

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**89185 HEALTH PROTECTION OF CLIENTS -- GENERAL REQUIREMENT 89185**

- (a) Each adoption agency shall provide adequate preventive and remedial medical care through a qualified physician, or through a medical clinic organized to provide the necessary medical service. The medical care provided shall include:
- (1) Complete physical examination.
  - (2) Prompt treatment of remediable physical conditions.
  - (3) Necessary laboratory tests and immunizations.
  - (4) Immunization of children over six months of age against diphtheria; immunization of children under six years of age against whooping cough.
  - (5) Provision for tuberculin test or chest X-ray for each client, and provision for nose and throat culture and appropriate tests for venereal disease when indicated.
  - (6) For infants, continuing medical supervision, for older children and adults, physical examination at least annually or more often as recommended by the client's physician as the client's condition indicates.
  - (7) Care in case of illness or accident, including provision for medical care and hospitalization as required.
  - (8) Dental examinations semi-annually followed by necessary treatment, and arrangements for orthodontic care for children as required.
  - (9) Continuing observation of the client's progress and discussion with the physician of any deviations from satisfactory conditions.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

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**89188 IDENTIFICATION OF EXCLUSIVE USE FOSTER HOMES****89188**

Repealed by Manual Letter No. CCL-93-08, effective 10/30/93.

| <b>89188</b> | <b>ADOPTION AGENCIES</b>   | <b>Regulations</b> |
|--------------|--|--------------------|
| <b>89188</b> | <b>IDENTIFICATION OF EXCLUSIVE USE FOSTER HOMES</b>                          | <b>89188</b>       |
|              | Repealed by Manual Letter No. CCL-93-08, effective 10/30/93.                 |                    |
| <b>89191</b> | <b>NOTIFICATION</b>  | <b>89191</b>       |
|              | Repealed by Manual Letter No. CCL-93-08, effective 10/30/93.                 |                    |
| <b>89194</b> | <b>CONFIDENTIAL NATURE OF RECORDS AND INFORMATION</b>                        | <b>89194</b>       |
|              | Repealed by Manual Letter No. CCL-93-08, effective 10/30/93.                 |                    |
| <b>89197</b> | <b>LOCAL ORDINANCES</b>  | <b>89197</b>       |
|              | Repealed by Manual Letter No. CCL-93-08, effective 10/30/93.                 |                    |
| <b>89200</b> | <b>ADHERENCE TO LIMITATIONS OF CERTIFICATE OF APPROVAL</b>                   | <b>89200</b>       |
|              | Repealed by Manual Letter No. CCL-93-08, effective 10/30/93.                 |                    |
| <b>89203</b> | <b>CHANGE OF ADDRESS OR MANAGEMENT</b>                                       | <b>89203</b>       |
|              | Repealed by Manual Letter No. CCL-93-08, effective 10/30/93.                 |                    |
| <b>89206</b> | <b>EMERGENCY CONDITIONS -- CONTINUATION OF LICENSE</b>                       | <b>89206</b>       |
|              | Repealed by Manual Letter No. CCL-93-08, effective 10/30/93.                 |                    |
| <b>89209</b> | <b>HOME STUDY AND CASE RECORD</b>  | <b>89209</b>       |
|              | Repealed by Manual Letter No. CCL-93-08, effective 10/30/93.                 |                    |
| <b>89212</b> | <b>MASTER FILE</b>   | <b>89212</b>       |
|              | Repealed by Manual Letter No. CCL-93-08, effective 10/30/93.                 |                    |
| <b>89215</b> | <b>CASE PROCESSING CONTROLS</b>  | <b>89215</b>       |
|              | Repealed by Manual Letter No. CCL-93-08, effective 10/30/93.                 |                    |
| <b>89218</b> | <b>USE OF LICENSED HOMES AND HOMES HOLDING A<br/>CERTIFICATE OF APPROVAL</b> | <b>89218</b>       |
|              | Repealed by Manual Letter No. CCL-93-08, effective 10/30/93.                 |                    |